

1 HONORABLE RONALD B. LEIGHTON
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 RUBY E. KETSCHAU,

11 Plaintiff,

v.

12 CHARLES M. MCBETH, et al.,

13 Defendants.

CASE NO. 3:19-cv-05973-RBL

ORDER

14 THIS MATTER is before the Court on Plaintiff Ruby E. Ketschau's proposed amended
15 complaint, which was filed after the Court previously denied her motion to proceed *in forma*
16 *pauperis* based on the implausibility of her first proposed complaint. Dkt. # 2.

17 A district court may permit indigent litigants to proceed *in forma pauperis* upon
18 completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The court has broad
19 discretion in resolving the application, but "the privilege of proceeding *in forma pauperis* in civil
20 actions for damages should be sparingly granted." *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir.
21 1963), *cert. denied* 375 U.S. 845 (1963).

22 A court should "deny leave to proceed *in forma pauperis* at the outset if it appears from
23 the face of the proposed complaint that the action is frivolous or without merit." *Tripathi v. First*

1 | *Nat'l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir. 1987) (citations omitted); *see also* 28 U.S.C.
2 | § 1915(e)(2)(B)(i). An *in forma pauperis* complaint is frivolous if “it ha[s] no arguable substance
3 | in law or fact.” *Id.* (citing *Rizzo v. Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *see also Franklin*
4 | *v. Murphy*, 745 F.2d 1221, 1228 (9th Cir. 1984). A *pro se* Plaintiff’s complaint is to be construed
5 | liberally, but like any other complaint it must nevertheless contain factual assertions sufficient to
6 | support a facially plausible claim for relief. *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct. 1937,
7 | 173 L.Ed.2d 868 (2009) (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570, 127 S.Ct.
8 | 1955, 167 L.Ed.2d 929 (2007)). A claim for relief is facially plausible when “the plaintiff pleads
9 | factual content that allows the court to draw the reasonable inference that the defendant is liable
10 | for the misconduct alleged.” *Iqbal*, 556 U.S. at 678. Ordinarily, the Court will permit *pro se*
11 | litigants an opportunity to amend their complaint in order to state a plausible claim. *See United*
12 | *States v. Corinthian Colleges*, 655 F.3d 984, 995 (9th Cir. 2011) (“Dismissal without leave to
13 | amend is improper unless it is clear, upon de novo review, that the complaint could not be saved
14 | by any amendment.”).

15 Here, Ketschau’s proposed amended complaint asserts claims against totally different
16 defendants than her first proposed complaint. However, the Court still cannot discern the basis of
17 Ketschau’s claims. Much of her narrative focuses on the actions of someone named “Kevin
18 Stock” who is not a defendant in the case. The complaint is filled with legal jargon but missing
19 short, plain statements of fact. *See Fed. R. Civ. P. 8(a)(2)*. In summary, the Court cannot follow
20 Ketschau’s rambling, vague complaint and therefore declines to grant IFP status. Ketschau has
21 30 days from the date of this order to pay the filing fee. Failure to do so will result in dismissal of
22 her case.

23 IT IS SO ORDERED.

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2 Dated this 25th day of November, 2019.
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7 Ronald B. Leighton
8 United States District Judge
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